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retrieving information corresponding to the advertisements presented, wherein the information includes descriptions of at least one aspect of the advertisements presented;

creating a first representation of the subscriber based on the subscriber interactions and the information;

retrieving a set of rules associated with at least a subset of the first representation, wherein the set of rules relates at least one aspect of the first representation to at least one non-interaction parameter; and

applying the set of rules to the first representation in order to generate the subscriber profile, wherein the subscriber profile defines at least a second representation of the subscriber.--

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### Remarks

#### *Status*

The Examiner rejected claims 14-41 (all of the pending claims). Claims 14-41 have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 42-73 have been added. Claims 42, 46, 60, 71 and 73 are the independent claims. It is submitted that all of the currently pending claims (42-73) are patentable over the cited references for at least the reasons discussed below.

#### *Discussion*

The Examiner rejected claims 14, 15 and 17-40 under 35 U.S.C. §103(a) as being unpatentable over *Ivanyi* (USP 6,286,140B1) in view of *Holman* (USP 5,287,181); and claims 16 and 41 under 35 U.S.C. §103(a) as being unpatentable over *Ivanyi* and *Holman* in view of *Wynblatt et al.* (U.S.P. 6,018,710). The applicant respectfully submits that claims 14-41 were patentable over the cited references. However, in order to expedite prosecution claims 14-41

Amendment

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have been canceled without prejudice or disclaimer to the subject matter contained therein. The applicant respectfully submits that newly added claims 42-73 are patentable over the cited references for at least the following reasons.

Independent claim 42 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. The subscriber interactions are processed in order to generate the subscriber profile, wherein the subscriber profile identifies traits about the subscriber that are not directly related to the subscriber interactions. It is submitted that none of the references, whether taken alone or in combination with one another, disclose or suggest processing subscriber interactions in order to generate a subscriber profile that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

To the contrary, as summarized by the Examiner on page 2 of the Office Action (with respect to claim 14) *Ivanyi* discloses a system for monitoring a subscribers television and commercial viewing, determining whether or not the subscriber is watching an advertisement by monitoring channel and volume changes, and recording the data for distribution to a centralized database. On page 3 of the Office Action (with respect to claim 15) the Examiner states that statistical data is collected in order to describe or gauge viewer behavior. However, the statistical data is clearly interaction related and does not describe traits unrelated to the interactions. There is clearly no disclosure or suggestion in *Ivanyi* of processing the monitored data to generate a profile of the subscriber that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

As summarized by the Examiner on page 2 of the Office Action *Holman* discloses a downloadable coupon system in which ad related information is downloaded to a set top box and is later uploaded to a central computer. The subscriber may select the coupons of interest and retain them for use in some fashion. There is clearly no disclosure or suggestion in *Holman* of processing the monitored data to generate a profile of the subscriber, let alone a profile that

identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

As summarized by the Examiner on page 9 of the Office Action *Wynblatt et al.* discloses an Internet based radio system that selects ads for a subscriber to hear based upon subscriber interests, wherein the interest information is based on the websites visited by the subscriber. However, the interests are simply based on where the subscriber surfed (i.e., surf car site receive car ad) and are not based on generating a profile of the subscriber, let alone a profile that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42.

For at least the reasons advanced above, it is clear that none of the cited references whether taken alone or in any reasonable combination, disclose or processing the monitored data to generate a profile of the subscriber, let alone a profile that identifies traits about the subscriber that are not directly related to the subscriber interactions, as required by claim 42. Accordingly, claim 42 is submitted to be patentable over *Ivanyi, Holman* and *Wynblatt et al.* Moreover, claims 43-45 depend from claim 42 and are therefore submitted to be patentable over the cited references for at least the reasons addressed above with respect to the patentability of claim 42, and for the further features recited therein.

Independent claims 46 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Heuristic rules associated with the subscriber interactions are retrieved. The heuristic rules associate the subscriber interactions to characteristics about the subscriber. The heuristic rules are applied to the subscriber interactions in order to generate the subscriber profile that identifies characteristics about the subscriber. It is submitted that none of the references whether taken alone or in combination with one another disclose or suggest the retrieval or application of heuristic rules, as required by claim 46.

For at least the reasons described above, claim 46 is submitted to be patentable over the cited references. Claims 47-60 depend from claim 46 and are submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein.

For example, claim 47 recites that the heuristic rules associate the subscriber interactions to characteristics about the subscriber that are not directly related to the interactions and the subscriber profile identifies traits about the subscriber that are not directly related to the interactions. None of the cited references disclose or suggest this limitation. Accordingly, it is submitted that claims 46-60 are in condition for allowance.

Independent claim 60 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. The subscriber interactions are processed in order to define traits associated with the subscriber interactions. Heuristic rules are applied to the traits in order to generate the subscriber profile. The heuristic rules associate the traits to characteristics about the subscriber and the subscriber profile identifies characteristics about the subscriber. It is submitted that none of the references whether taken alone or in combination with one another disclose or suggest the application of heuristic rules to subscriber traits, as required by claim 60.

For at least the reasons described above, claim 60 is submitted to be patentable over the cited references. Claims 61-70 depend from claim 60 and are submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein. For example, claim 61 recites that the heuristic rules associate the subscriber interactions to characteristics about the subscriber that are not directly related to the interactions and the subscriber profile identifies traits about the subscriber that are not directly related to the interactions. None of the cited references disclose or suggest this limitation.

Independent claim 71 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Information associated with the advertisements presented is retrieved and applied to the subscriber interactions to generate interaction data. A set of rules associated with at least a subset of the interaction data is retrieved. The set of rules relates at least one aspect of the interaction data to at least one non-interaction characteristic. The set of rules are applied to the interaction data in order to generate

the subscriber profile, wherein the subscriber profile includes at least one non-interaction characteristic about the subscriber. It is submitted that none of the references whether taken alone or in combination with one another disclose or suggest the retrieval or application of a set of heuristic rules that relate at least one aspect of the interaction data to at least one non-interaction characteristic, as required by claim 71.

For at least the reasons described above, claim 71 is submitted to be patentable over the cited references. Claims 72 depends from claim 71 and is submitted to be patentable over the cited references for at least the above noted reasons and for the further features recited therein.

Independent claim 73 is directed to a method for monitoring a subscribers interactions with advertisements in order to generate a subscriber profile. The method includes monitoring subscriber interactions to advertisements presented. Information corresponding the advertisements presented is retrieved. The information includes descriptions of at least one aspect of the advertisements presented. A first representation of the subscriber is generated based on the subscriber interactions and the information. A set of rules associated with at least a subset of the first representation is retrieved. The set of rules relates at least one aspect of the first representation to at least one non-interaction parameter. The set of rules is applied to the first representation in order to generate the subscriber profile, wherein the subscriber profile defines at least a second representation of the subscriber.

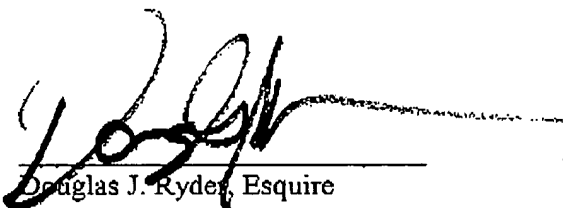
It is submitted that none of the cited references, whether taken alone or in combination with one another, disclose or suggest the retrieval or application of a set of heuristic rules that relate at least one aspect of the first representation of the subscriber to at least one non-interaction parameter in order to generate a subscriber profile that defines at least a second representation of the subscriber, as required by claim 73. Accordingly, claim 73 is submitted to be patentable over the cited references.

### Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 42-73 are in condition for allowance. Accordingly, early allowance of claims 42-73 is earnestly solicited. Should the Examiner have any questions or concerns, the Examiner should contact the undersigned to discuss.

Authorization to charge Applicants deposit account for any additional claims that have not been previously paid is attached.

Respectfully submitted,

  
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Date:

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